

REMARKS

Reconsideration and allowance of the present application based on the foregoing amendments and the following remarks are respectfully requested.

Claims 1-8 and 33-41 are currently pending in the present application.

The Examiner's allowance of independent claim 34 is acknowledged and appreciated. The indication of allowability for claim 5 is also appreciated, but this has previously been rewritten in independent form as allowed claim 34.

Claim 1 stands rejected as being anticipated by U.S. Patent No. 6,145,243 to Wigton. To overcome this rejection, claim 1 has been further amended to clarify the offset and external relationship of the insect trap and the exhaust, and the elements of the insect trap.¹

The Examiner maintains that Wigton shows an exhaust tube and insect trap assembly positioned offset and entirely exteriorly of one another. The Applicants disagree with this assertion for the reasons advanced in the prior Amendment, and the Applicants maintain those arguments. However, to better clarify this issue and advance prosecution, the clarifying amendments to claim 1 now recite that "said insect trap assembly and said exhaust member are positioned offset and entirely exteriorly of one another with the inlet of the insect trap assembly and the outlet of the exhaust member also positioned offset from and entirely exteriorly of one another." This relationship is not specifically disclosed in Wigton, and is submitted to clarify the offset nature of these structures.²

Accordingly, claim 1, as amended, is submitted to be patentable, and withdrawal of the rejection based on Wigton is respectfully requested.

Claims 2-8, 33 and 37-38 depend from claim 1. These claims are submitted to be separately patentable based on their dependency from claim 1, and for the reason that they recite additional patentable features. For example, Wigton does not teach the mount that mounts the insect trap assembly to the exhaust member, as recited in claim 33.

Independent claim 35 was also rejected over Wigton. Claim 35 has been amended to overcome this rejection. Specifically, claim 35 has been amended to recite limitations similar to those discussed above with respect to claim 1 and concerning the relationship between the

¹ No statement herein should be taken as an admission that the disclosed embodiment of this application is not covered by the claims of the '243 patent or any other patent/application of the assignee. Indeed, in the disclosed embodiment, at least some of the exhaust may be drawn into the insect trap assembly and exited from its bottom so that a counterflow may be created between the flows in and out of the insect trap assembly (similar to that described in the '243 patent and its parent). This is a separate issue from the location of the offset and exteriorly located exhaust tube recited in claim 1. Likewise, these comments should not be taken as limiting claim 1 to an arrangement where counterflow is created.

inlet of the insect trap assembly and the outlet of the exhaust member. Thus, claim 35 is submitted to be patentable.

Claims 1 and 35 have also been amended in self-explanatory aspects to remove unnecessary limitations relative to certain structures.


New claim 39 is based on allowed claim 34, with certain non-essential limitations omitted. These non-essential limitations relate to the generally vertical exhaust tube, which is more broadly characterized as an "exhaust member" in claim 35; and the cylindrical shape of the housing and annular shape of the inlet. Claim 39 still recites the feature of the air intake wall extending around the housing to form an inflow channel defining the inlet, which the Applicants submit to be a patentable feature. Therefore, claim 39, and its separately patentable dependent claims, are submitted to be patentable.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance, and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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² This statement should not be misunderstood as meaning that this is not within the scope of Wigton's claims. Wigton's claims may encompass such a construction.